

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eric R. Fossum, et al.      Art Unit: 2612  
Serial No.: 09/120,856      Examiner: T. Ho  
Filed : July 21, 1998  
Title : CMOS ACTIVE PIXEL SENSOR TYPE IMAGING SYSTEM ON A  
CHIP

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

APR 17 2001

Technology Center 2600

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), CALIFORNIA INSTITUTE OF TECHNOLOGY, certifies that it is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8508, Frame 0325.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in California Institute of Technology.

The undersigned is empowered to act on behalf of the assignee.

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

April 3, 2001

Date of Deposit

Signature

*R. P. Ippolito*

Roxanne Ippolito

Typed or Printed Name of Person Signing  
Certificate

04/11/2001 MYUSUF1 00000113 09120856

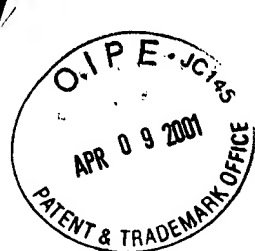
01 FC:148

110.00 OP

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, California Institute of Technology hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 5,841,126. Further, any patent granted on the above identified application shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 5,841,126.

California Institute of Technology does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.



Attorney's Docket No.: 06816/019002/CIT2363

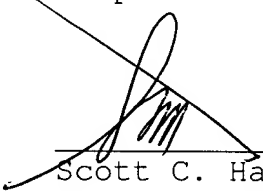
Enclosed is a check for the disclaimer fee of \$110. Please apply any additional charges to Deposit Account No. 06-1050, referencing Attorney Docket No. 06816/019002.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: \_\_\_\_\_

4/3/01

Respectfully submitted,

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
4350 La Jolla Village Drive, Suite 500  
San Diego, CA 92122  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

10099087.doc